

**August 25, 2005 Minutes of
Bigfork Land Use Advisory Committee**

Members present: Clarice Ryan, Phil Hanson, John Bourquin, Bob Keenan

Chairman Ryan called the meeting to order at 4:15 PM. Minutes of the previous meeting were read. Bob Keenan moved the minutes be approved as read, John Bourquin seconded the motion. Motion passed.

A non-agenda item was presented by staff. A request by Ronald L. Klempel and KSG Holdings, LLC to amend Condition #9 and delete Condition #10 of Conditional Use Permit FCU-05-15, issued June 9, 2005. Conditions under consideration currently read as follows:

- Condition #9: The applicant shall rebuild 2,850 feet of Coverdell Road to County standards, at which point the Flathead County Road Department will pave Coverdell Road.
- Condition #10: No gravel shall be removed from the site for any reason other than rebuilding Coverdell Road until such time that road rebuilding is complete.

At the time of the agreement, it was believed by all parties that Coverdell Road was under County ownership and that road rebuilding would proceed in an expedient manner. It was later determined that, although Coverdell Road is and has been County maintained for many years, the road easement was never properly dedicated to the County for public use and Coverdell Road is therefore a private road.

In order for the applicant and the County to proceed with road rebuilding, the road must be surveyed and the necessary easements obtained for the County to secure ownership. The County Road Department and the applicant are in the process of having the survey completed and the easements secured.

Until the road is under County ownership, the County Road Department will not pave the road; therefore, it is unreasonable to expect the applicant to rebuild the road base until the necessary easements are secured. Staff recommends Condition #9 be amended to read: "The applicant shall, within 30 days following written notice from the County and weather permitting, commence rebuilding 2,850 feet of Coverdell Road beginning at the end of the existing pavement to the gravel pit entrance."

Condition #10 was predicated on the belief that Coverdell was a County Road and that road construction would take place soon after approval of the Conditional Use Permit. As new information has come forth that will delay the rebuilding of the road, Condition #10 is unreasonably restrictive. Staff recommends deletion of Condition #10.

Under Dust Abatement: The applicant must be held to a strict standard, as set forth in Condition #8, which reads: "Dust abatement shall be performed consistently and conscientiously to limit any impacts to the surrounding properties and general air quality." It is understood that "consistent and conscientious" dust abatement can be impossible to measure. The condition to pave Coverdell Road was intended to mitigate the dust generated by increased commercial traffic in the area. Staff urges the applicant to undertake dust abatement with the utmost seriousness and diligence to minimize impacts to the surrounding ownerships. Staff recommends that the Flathead County Board of Adjustment adopt staff report #FCU-05-15(a) as findings of fact and amend the permit to reflect the following changes:

9. The applicant shall, within 30 days following written notice from the County and weather permitting, commence rebuilding 2, 850 feet of Coverdell Road beginning at the end of the existing pavement to the gravel pit entrance.

10. Delete condition

The applicant was not present for comment. Chairman Ryan called for Public Comment. No public comment was received. Bob Keenan made the motion to accept staff report and amend Condition #9 and delete Condition #10. Clarice Ryan seconded the motion.

John Bourquin questioned whether dust abatement would include chemical treatment and suggested more teeth be put in the condition to provide for more aggressive dust abatement. John made the motion that the section under dust abatement be amended to state that more than just water be used, perhaps a pine sap based treatment or other more effective dust abatement treatments be used. Bob

Keenan seconded the motion. The motion to amend the dust abatement treatment passed unanimously. The amendment will be heard at the Board of Adjustments meeting on September 6, 2005, Earl Bennett Building, 1035 1st Avenue West, at 6:00 PM

Item 1: A Zone change request in the Bigfork Zoning District by Ken Degitz and Linda Nelson, from R-1 (Suburban Residential) to B-3 (Community Business). The property is located off of Highway 35 in Bigfork. Staff reported that the owner of El Topo restaurant was concerned that reconstruction of Hwy 35 would place the current building too close to the highway and necessitate moving the building to conform to setbacks and highway right of way. He has purchased a one acre property behind the business and intends to use this property to relocate the business.

Applicant Ken Degitz described the property in question and explained that the property has trees on the east side, facing Peaceful Lane, which would act as a buffer to that area. He expects to use about 20% of the area and provide more room for parking and restaurant delivery trucks.

Public Comment:

Craig Wagner asked if the Federal funds were available to allow for the required set backs.

Board Comment:

John Bourquin asked if there was enough room on the back of the present lot to provide room to move. Applicant said there was not enough room.

Clarice Ryan asked about the older buildings on the property.

Bob Keenan made the motion to approve the application. Phil Hanson seconded the motion. Motion carried for approval. This item will appear before the Flathead County Planning Board on September 14, 2005, Earl Bennett Building, 1035 1st Avenue West, at 6:00 PM.

Item 2: A Zone change request in the Bigfork Zoning District by Thomas Peterson, M.D., and Maxine Johnson from SAG-10 (Suburban Agricultural-10 acres) to SAG-5 (Suburban Agricultural-5 acres and RC-1 (Residential Cluster). The property will be developed and know as “Eagle Basin” and is located on the west side of Hanging Rock Drive, between Holt Drive and MT Highway 82.

Staff did not elaborate on the material provided in the committee packet.

Applicant:

Erica of Sands Survey reported that the Master Plan Amendment was approved. The proposal is to allow 8 homes clustered on the 8.78 acres designated for RC-1. She provided several exhibits to show the areas in question and commented that a tremendous amount of work has been done to determine the flood plane area on the property in question.

Public Comment:

Roy Johnson asked where the Johnson house is located on the map and suggested that the map does not properly represent the property in the application.

Jean Murray, adjacent property owner, asked if any property north of Johnson’s was included.

Hilary Nickel asked what is to prevent the developers from selling the land and the plan changes? He commented that this is “de-je-vu” all over again. The last time this was presented there were 20 people who spoke against the project.

Carol Venable commented that the map is a misrepresentation and does not show the entire 50 acres. She also asked if produce stands would be permitted.

Roger Redifer stated that the adjoining property owners have been here three times and this proposal is no change from the previous applications. He suggested that Mr. Connors hopes to wear the board down by just resubmitting, and hopes to reduce the objections of the neighbors who may have concluded that there is no longer a need to comment. He objected to the Conditional Uses that would be permitted under RC-1 zoning. He noted, again, that all of the properties across Hanging Rock Road are single family houses and the RC-1 zoning is not appropriate for this area. (letters attached).

Craig Wagner asked what environmental impact there was from water being pumped out of the man-made ponds into the Flathead River.

Jean Murray commented that all the properties on Hanging Rock Road are one acre minimum, single family residences. She stated her concerns, again, regarding the nitrates in the ground water. She asked how do we know if the Johnson property is sold if the pumps on the ponds will be maintained. She believes cluster development is a pollution and environmental problem. She noted that the 8 acres is already listed for sale in the multiple listings.

Don Murray asked why the area is not considered for R-1 like the surrounding properties. He believes that RC-1 zoning opens the door for questionable developers. This rezoning effort is just to help Conner sell the property.

Phil Brous stated he agreed with the other residents and apposes the RC-1 designation

George Darrow stated that he owns property on the east side of Hanging Rock Drive and has 1/3 interest in waters of the springs in the area. He agrees with the opponents and feels there is questionable value for building in this area.

Staff stated that most of the comments made were accurate. He said an environmental assessment is not required for a zone change.

Conner stated that of the 50 acres included in the application, 41.5 would be changed from SAG-10 to SAG-5 and 8.7 acres from SAG-10 to RC-1. He stated that there was no property north of Johnson in the proposal. He also noted that there was a deed restriction to limit to 2 homes on 20 of the acres.

Erick stated that this property was bordered by RC-1 zoning in the Eagle Bend development and spoke of the advantages to cluster development which utilizes more open space rather than R-1 sprawl. She suggested this was the best and highest use of the property.

Phil Hanson asked if there was a commitment from the Sewer and Water District to include this property. Erica stated that sewer and water was already installed adjacent to the property and that regulations require public sewer and water hook up if the property was within 500 feet. He asked if the white area on the map was wetland and applicant replied that it was not. Conner explained that there was a flood plane in 3 1/2 acres between the edge of the property and the Johnson property.

John Bourquin made the motion to approve the application as submitted. Clarice Ryan seconded the motion. The motion received 2 yes and 2 no votes. The application will be submitted without a recommendation. This item will be heard by the Flathead County Planning Board on September 14, 2005, at the Earl Bennett Building, 1035 1st Avenue West, at 6:00 PM.

Item 3: A request by James E. Moore for Preliminary Plat approval of North Shore Vista, a ten (10) lot town-home Major Subdivision and Planned Unit Development, on approximately 5.003 acres. All lots in the subdivision are proposed to have public water and sewer systems. The property is located east of Chapman Hill Road, across from Eagle Bend North subdivision and golf course.

Staff reported agreement with the application.

Applicant:

Sherry Halloran described the development as 5 town- homes (10 units) in R-1 zoning with PUD on 5 acres. The road has been moved from previous plans closer to Chapman Hill Road in order to allow more room for homes and more appropriate open area. This area has been annexed into the Bigfork Water and Sewer District.

Public Comment:

Don Murray asked how it is possible to have 10 units in R-1 zoning. Staff explained that with a PUD (Planned Unit Development) it was acceptable.

John Bourquin asked if there was a waiver in the PUD for the parkland requirement, saying that the parkland has to be usable. Are they considering the 1.77 acre common area parkland?

Staff agreed that he will determine an answer to the question and address this with the Planning Board.

Phil Hanson made a motion to approve the application as presented. Bob Keenan seconded the motion. Motion carried with 1 negative vote from John Bourquin. The request will be heard by the Flathead County Planning Board on September 14, 2005 at the Earl Bennett Building, 1035 1st Avenue West, at 6:00 PM.

Item 4: A request in the Bigfork Zoning District by House Investments and H and H Development, LLC for Preliminary Plat approval of Eagle Rock Estates, a seventeen (17) lot Major Subdivision and Planned Unit Development on approximately 17.679 acres. All structures in the PUD are proposed to have public water and sewer systems. The Property is located on Holt Drive in Bigfork.

Staff reported that H & H has acquired the property necessary to add the additional lot from the original application. All the property is now under one ownership.

Applicant:

There is an approved preliminary plat for 16 lots on these parcels. The additional acreage will provide for an additional lot and 2.9 acres of open space on 17.679 acres. This provides for a better design and more open space.

Public Comment:

Carol Venable asked the location of the property

Roy Johnson stated that he knows Slade House and believes he is an honest man. He thinks they will do a marvelous job.

Applicant explained that the property was located on the curve of Holt drive next to Eagle Bend.

John Bourquin made a motion to approve the application as presented. Phil Hanson seconded the motion. Motion passed unanimously. This application will be heard by the Flathead Planning Board on September 14, 2005, Earl Bennett Building, 1035 1st Avenue West, at 6:00 PM.

Old Business:

The Steering Committee presented a packet including the CD of total tally sheets, Methodology and Results of the survey and Comments recorded from the survey to all BLUAC members. Secretary Hanson will deliver packets to absent members Calaway, Hollinger and Paulson. There is a meeting scheduled with Planning Director, Jeff Harris, at the Planning Office on Friday, August 26, 2005 at 10:00 AM to update him on the Bigfork process. Steering Committee members who will attend this meeting are Doug Averill, Sue Hanson, Denise Lang and Don Loranger. All BLUAC members were invited to attend.

Carol Venable reported that the Mill Creek development had proposed affordable housing in their application for approval, with lots costing from \$60,000 up to \$135,000. She indicated the MLS listings for sales of this property are considerably higher, ranging from \$165,000 to \$215,000. This was offered as informational only, commenting on how things change from the presentation stage to the reality.

Meeting was adjourned at 6:20 PM

Sue Hanson
Secretary